

REMARKS

Claims 1-34 presently are pending and under consideration in this application.

Applicants have amended claims 14 and 21, and believe that the amendments overcome the indefiniteness rejections raised by the Examiner. Applicants have also amended claims 1 and 20, and believe that such amendments overcome the lack of novelty and obviousness rejections raised by the Examiner. Support for the amendments may be found throughout the specification including, for example, page 18 lines 18-28 and page 20 lines 10-13 of the application as filed. Applicants have amended claims 30 and 32 to conform to the amendments in the claims they depend from. Applicants have amended the multiple dependency of claim 34. Applicants believe that no new matter is introduced by these amendments.

Each of the outstanding issues is discussed below in the order in which they appear in the Office Action.

Objection Under 35 CFR 1.75(c)

Claim 34 presently stands objected under 35 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Applicants believe that amendment to claim 34 overcomes this objection. Applicants respectfully request that this objection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §112

Claims 14 and 21-23 presently stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, claim 14 is rejected because it depends from claim 17, and claims 21-23 are rejected for lacking insufficient antecedent basis when referring to the term, "the thermal change."

Applicants believe that the amendment to claim 14 and 21 overcome the rejections, and respectfully request that the rejection under 35 U.S.C. §112 be reconsidered and withdrawn.

Rejections Under 35 U.S.C. §102 and §103

Claims 1-15, 17-30 and 32-34 presently stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,402,739B1 to Neev ("the '739 patent"). Furthermore, claims 16 and 31 presently stand rejected under 35 U.S.C. §103(a) as being rendered obvious by the teachings of the '739 patent.

Applicants respectfully submit that amended claims 1 and 20 are neither anticipated nor rendered obvious by the teachings of the '739 patent. Specifically, independent claims 1 and 20 have been amended to include the further limitation that the temperature of the area of the skin above the preselected dermal region is kept below about 60°C before, during, or before and during the application of energy or exposure of radiation. Applicants submit that the '739 patent does not teach or suggest this limitation. Specifically, Applicants submit that the '739 patent does not teach or suggest keeping the area of the skin above the preselected dermal at a temperature below about 60°C before, during, or before and during the application of energy or exposure of radiation. Accordingly, Applicants submit that the '739 patent does not anticipate or render obvious the subject matter of claims 1-34.

In view of the foregoing, Applicants respectfully request that these rejections be reconsidered and withdrawn.

Conclusion

Based on the foregoing, Applicants believe that the claims are in condition for immediate allowance. Early favorable action is respectfully solicited. The Examiner is invited to telephone the undersigned to discuss any outstanding issues.

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Respectfully submitted,



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Marked-up Version of Amended Claims

1. (Amended) A method of treating a sebaceous follicle disorder in a preselected dermal region of mammalian skin, the preselected dermal region having at least one lesion characteristic of the disorder disposed therein, the method comprising the steps of:
 - (a) cooling an [exposed surface] area of the skin above the preselected dermal region;
and
 - (b) applying energy to the preselected dermal region in an amount sufficient to ameliorate the lesion while keeping the temperature of the area of the skin above the preselected dermal region below about 60°C before, during, or before and during the application of the energy.
14. (Amended) The method of claim 1, wherein [in] step (b) [the thermal change] occurs in the absence of an exogenously provided radiation absorbing material.
20. (Amended) A method of treating acne in a preselected dermal region of mammalian skin, the preselected dermal region having at least one acne lesion disposed therein, the method comprising the steps of:
 - (a) cooling an [exposed surface] area of the skin above the preselected dermal region;
and
 - (b) exposing the preselected dermal region to a beam of radiation comprising a wavelength in the range from about 0.6 microns to about 1.8 microns to ameliorate the lesion while keeping the temperature of the area of the skin above the preselected dermal region below about 60°C before, during, or before and during the exposure to the beam of radiation.
21. (Amended) The method of claim [17] 20, wherein in step (b) the wavelength is in the range from about 1.2 to about 1.7 microns.

30. (Amended) The method of claim 20, comprising the additional step of prior to step (b) providing a radiation absorbing material to the preselected dermal region.
32. (Amended) The method of claim 20, wherein applying energy in step (b) reduces the size of a lesion disposed with the preselected dermal region.
34. (Amended) The method of claim 20[,] or 32 [or 33], wherein applying energy in step (b) reduces lesion-associated skin-inflammation in the preselected dermal region.